

MR. SPEAKER.—The Hon'ble Minister said that the matter is under consideration. Hon'ble members may wait and see what they would consider.

SRI T. R. SHAMANNA.—Sir, the Hon'ble Minister was the President of the Mysore Municipality and he knows what democracy is. Till our grievances are redressed, we will wear the black badge throughout the present Session.

2-00 P.M.

ಶ್ರೀ ಎಂ. ಎನ್. ರಾಮಣ್ಣ (ತುರುವೇಕೆರೆ).—ಸ್ವಾಮಿ, ನನ್ನದೊಂದು ಪಾಯಿಂಟ್ ಆಫ್ ಆರ್ಡರು ಇದೆ. ಅಧ್ಯಕ್ಷರು ಈಗಾಗಲೇ ಒಂದು ತೀರ್ಮಾನ ಕೊಟ್ಟಮೇಲೆ ಆ ತೀರ್ಮಾನದ ಬಗ್ಗೆ ಸದಸ್ಯರು ಯಾರೇ ಆಗಲೀ ಪುನಃ ಪುನಃ ಅದರ ಬಗ್ಗೆ ಚರ್ಚೆ ಮಾಡಲಿಕ್ಕೆ ಅವಕಾಶ ಇದೆಯೇ?

MR. SPEAKER.—I uphold the point of order of Sri Ramanna. When once the ruling is given it should be accepted without any comments.

MYSORE MINISTERS SALARIES AND ALLOWANCES (AMENDMENT) BILL, 1968

(Debate Contd.)

CLAUSES

MR. SPEAKER.—We have to consider clauses of this Bill.

†SRI M. NAGAPPA (Raichur).—The other day when I moved my amendments to the original Act they were considered out of order. To substantiate that the amendments are within the scope of the Bill I am submitting my arguments. While considering the scope of the Bill, we have to see the preamble, the title and the definitions of Bill. So far as the preamble is concerned, it has been mentioned there : 'a Bill further to amend the Mysore Ministers Salaries and Allowances Act, 1956'. It is not clear from this there is the expediency to further amend the Bill of 1956. Secondly most of the provisions of the Act have been amended—Sections 3, 4, 5, 6 and 7 and all other sections have been amended. One section is inter-related to another Section. If one decision is taken regarding the definition of a Minister it is with regard to the old Act. There were two categories. Now it was sought to be increased to three categories. The definition has been amended accordingly. It has got relation with the old Act. I will submit one Ruling of West Bengal Legislature wherein this has been very diligently pointed out. It reads as follows :

“An amendment must be relevant to and within the scope of the question to which it is proposed. Now relevancy is of much wider connotation than scope and what is relevant may not be within the scope. Both these tests must be satisfied before an amendment is in order.

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Broadly speaking all amendments are out of order if they are not relevant to the Bill. A Bill which is limited in aim, scope and object cannot by means of amendments create any more extensions of rights beyond the principles and the provisions of the Bill. Neither is it open to insert new principles beyond those which a Bill seeks to affirm or enact. An amendment which cannot be properly proposed to a clause of a Bill and not relevant to it having regard to its subject matter and context is irrelevant to the clause itself.....

The scope of a Bill has to be determined with reference to its preamble and its aims and objects and with due regard to citations and provisions in the Bill itself. It is in consideration of these three together, but not taking any one in isolation, that an amendment relating to the scope of a Bill has to be scrutinised.....

The general principle is that amendments must be relevant to the question upon which they are moved. It follows from the nature of an amendment, that its contents ought to have some bearing upon the subject introduced by the principal motion.....All amendments must also be relevant to the scope of the Bill."

All the amendments of the Bill should be within the scope of the Bill. Due regard should be paid for this very important aspect, otherwise it will be out of order. The salaries and allowances have to be paid out of the Consolidated Fund of the House and this will have to be approved by this Hon'ble House. When it comes before the House for sanction we have naturally to see whether the amount required for that purpose is properly utilised, and we have to see to whom it should be paid. According to the old Act, the categories of Ministers and Deputy Ministers are there. But here another category has been brought in. It cannot be construed that the word 'Minister' includes the Minister of State also. It means, the Minister includes only the Deputy Minister and nothing else as per the principal Act. Further this Ministry cannot be given a blank cheque for meeting the demand of their salary and allowances. In the interest of the administration and in the interest of the State finances and also in the interest of the general public, I submit that my amendment cannot be said to be within the scope of the Bill or it has no relevancy whatsoever with the principal Act. The amendment proposed, is not foreign to the main purpose of the Bill. In this connection I want to quote a ruling of the Parliament itself. This is on 24th March 1925 on page 103.

Mr. K. K. Chanda moved an amendment to the Indian Penal Code (Amendment) Bill (Amendment of Section 375), with the object of inserting a new section in the Code of Criminal Procedure, when

Sir Hari Singh Gour objected and said : the purpose of the amendment was foreign to the main purpose of the Bill. The President ruled :

“ I do not think the amendment is out of order. It seems to me to be quite germane to the purpose of the Bill ”.

Then, Sir Hari Singh Gour reiterated his objection and said that under previous rulings it was not in order, when one section of an Act was under consideration, to take up a different section and amend it

The President, however, ruled :

“ The Honourable Member is right in saying there have been many rulings on this point. The rulings that I have given hitherto have been rulings placing out of order any attempt to bring extraneous subjects within the scope of an amending Bill. It seems to me that the new clause which Mr. Kamini Kumar Chanda proposes to introduce is strictly germane to the purpose of the Bill.”

Therefore Sir, I have not brought any amendment which is extraneous to the Bill and as I have already said that it is quite germane to the purpose of the Bill.

Further Sir, I submit another ruling given during the consideration of the Code of Criminal Procedure (Amendment) Bill, an amendment was moved which referred to section 112 of the code, a section not forming part of the amending Bill. Objection being taken that it was outside the scope of the Bill,—I will read out the ruling itself.

“ The Deputy President ruled :

“ With regard to this question as to whether the whole Code of Criminal Amendment is open to amendment during the consideration of this Bill, my ruling is that it is not. No amendment is permissible in the course of the consideration of the present Bill which is irrelevant or foreign to or outside the scope of the subject-matter of this Bill. In the case of the present amendment, although it proposes to amend a section of the Code which is not touched by the Bill, I think it might be held not to be inadmissible under the ruling which I have just given, as it is intimately connected with other sections which are being amended. In this particular case, therefore, I allow the amendment to be moved.”.

Thus, in that case, permission was given for moving the amendment although it proposed to amend a section of the Code which was not touched by the Amending Bill.

Then Sir, I will quote another decision, i.e., from the Bihar Legislative Assembly Debates dated 15th December 1937—Volume II Pages 513 and 514 when the Bihar Tenancy (Amendment) Bill, 1937 as reported by the Select Committee was under clause by clause consideration. There also an amendment of a section of the Principal Act

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other than that named in the Amending Bill, was brought. It is as follows:—

“On 15th December 1937, when the Bihar Tenancy (Amendment) Bill, 1937 (Bill No. 7 of 1937) as reported by the Select Committee was under clause by clause consideration, Mr. Badrul Hasan proposed an amendment to clause 3 thereof amending section 28 B of the Principal Act, although the clause of the Bill did not deal with section 26B but referred to the insertion of a new section, viz., section 25A, after section 25 of the Act. Mr. Ramcharitra Singh raised objection that as section 26B was not embodied in the Bill, the member could not propose any amendment to it. The Speaker held that amendment was in order inasmuch as it did not go beyond the object proposed in clause 3 of the Bill, namely the creation of a particular incidence of an occupancy-holding. What Mr. Badrul Hasan had proposed was that instead of adding a new section to provide for this incidence, the incidence might be secured by amending one of the existing sections, and in this view of the matter the member's amendment was declared to be in order.”

Therefore, from these important decisions which I have quoted, it is quite clear Sir, that the amendment which I have brought is not out of order because it is relevant and germane to the purpose of the Bill which is under consideration; because we are only fixing the number of Ministers and Deputy Ministers. While I am permitted to move an amendment to fix the number of State Ministers, I have got every right to move an amendment to fix the number of Ministers and Deputy Ministers also. So, I submit that it is not foreign to the present Bill and it is a consequential amendment. I have not brought any independent amendment to an independent section. The amendments which I have brought are relevant to the subject matter under consideration and I therefore, request the Hon'ble Chair to permit me to move these two amendments to section 3 and 7 for fixing the number of Ministers and the Deputy Ministers.

Sri K. PUTTASWAMY.—Sir, I am very grateful to the Hon'ble Member for repeating certain arguments and some portions of his speech which he delivered on Saturday also. Otherwise, perhaps I would not have been able to appreciate his logic. Sir, the contention of the Hon'ble Member is that even though certain section is not brought up with any amendments but if it is germane to the Act, an amendment could be moved. An amendment to a section which is not brought forward could be moved. Sir, I do not want to go at length to the arguments the Hon'ble Member has put forward. Sir, I do concede that on certain occasions it might be that amendments to certain sections which are not brought forward, may be considered as germane to the amending Act. But I just want to point out only one thing for purpose of making my point clear.

Sir, the contention of Hon'ble Mr. Nagappa is that it is open to this House to limit the number of Ministers, Deputy Ministers or Ministers of State. Sir, I think that is beyond the legislative ambit of this House. I will just point out article 164 which states like this :

“164. (1) The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor.”

Sir, when this article 164 is quite clear and we cannot restrict the discretion of the Chief Minister. If any Chief Minister wants to limit the number of Ministers, it is left to him to do so. When the Hon'ble Member gets an opportunity, let him do it. I shall have no objection.

But Sri Nagappa cannot bring forward an amendment to section 3 of the Ministers' salaries Act to fetter the discretion of the Hon'ble Chief Minister. Therefore the amendment that the Hon'ble Member is seeking to move is inadmissible both on the ground that it is not germane to the Amending Bill and also that it is against the Constitutional provision.

SRI M. NAGAPPA.—Sir, one of my amendments has been accepted and it is not ruled out saying that it is against the Constitution. It has been held to be within the scope of the Bill regarding the state Ministers. But in this case it cannot be ruled out now by saying that it is not within the competence of this House. The Constitution has given to this House the power to fix the salaries and allowances of Ministers; when you fix their salaries, naturally you also fix the number. The salary is fixed by the Legislature and therefore the Legislature is competent to say that the number of Ministers shall be so much. When we are given the power to fix the salary, indirectly it gives us the power to fix the minimum and the maximum number of Ministers, so that we can try to balance our finances by fixing this number. Therefore there is no restriction in Article 164. The argument of the Hon'ble Minister for Parliamentary Affairs is not tenable. The Hon'ble Chair has accepted a similar amendment and it has therefore to admit this amendment also.

SPEAKER'S RULING re : AMENDMENT TO THE AMENDING BILL BY SRI M. NAGAPPA

Mr. SPEAKER.—Sri M. Nagappa has raised three points for consideration. His view appears to be that any provision of the Principal Act which is not sought to be amended can also be subjected to